

Message Text

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PAGE 01 STATE 166031
ORIGIN EUR-12

INFO OCT-01 ISO-00 HA-05 SCS-06 CA-01 CIAE-00 DODE-00
PM-05 H-02 INR-10 L-03 NSAE-00 PA-02 SP-02 SS-15
NSCE-00 SSO-00 ICAE-00 INRE-00 TRSE-00 /064 R

DRAFTED BY EUR;SOV;LWILLEMS:REH
APPROVED BY EUR;SOV;SMCCALL
-----096605 300039Z /64

O R 292334Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW IMMEDIATE
INFO AMCONSUL LENINGRAD

UNCLAS STATE 166031

E.O. 11652: N/A

TAGS: SCUL, CASC

SUBJ: WASHINGTON POST EDITORIAL ATTACK; NYT CITES
PRECEDENT

1. FOLLOWING EDITORIAL APPEARED IN JUNE 29 EDITION OF
WASHINGTON POST ENTITLED "SPIRAL OF SHIN-KICKING":

2. " WE ARE ANGERED AS JOURNALISTS AND TROUBLED AS CITI-
ZENS BY THE SOVIET UNION'S APPARENTLY UNPRECEDENTED DECISION
TO BRING CIVIL SLANDER CHARGES AGAINST TWO AMERICAN
CORRESPONDENTS IN MOSCOW -- FOR REPORTING THEY HAD BEEN
TOLD THAT A DISSIDENT'S TELEVISED 'CONFESSION' TO A
CHARGE OF ANTI-SOVIET AGITATION HAD BEEN FALSIFIED. IT IS
AN ESCALATION IN KIND OF THE "NORMAL" INTIMIDATION PRAC-
TICED ON THE FOREIGN PRESS. IT REPRESENTS AN EVIDENT
EFFORT AT CENSORSHIP. IT IS A PLAIN VIOLATION OF THE
SOVIET GOVERNMENT'S HELSINKI PLEDGE TO PERMIT JOURNALISTS
TO DO THEIR PROFESSIONAL WORK. FURTHER, IT SUBSTANTIALLY
ADDS TO THE QUEASINESS MANY PEOPLE FEEL OVER MOSCOW'S
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HOSTING OF THE 1980 OLYMPICS. JUST WHAT CONTROLS DO THE
RUSSIANS PLAN TO IMPOSE ON THE OLYMPIC PRESS?

3. "THAT IS, UNFORTUNATELY, NOT ALL. WHEN THE UNITED
STATES LAST MONTH ARRESTED AND HELD ON HIGH BAIL TWO
SOVIET SPY SUSPECTS (RATHER THAN SIMPLY EXPELLING THEM IN
THE USUAL MANNER), THE KREMLIN TERSELY STATED THAT TWO CAN

PLAY AT THAT GAME' AND LOCKED UP AN AMERICAN BUSINESSMAN IN MOSCOW. QUIET DIPLOMACY HAS SINCE GOTTEN ALL THREE OF THESE MEN OUT OF JAIL, PERHAPS AS PRELUDE TO A SWAP THAT, HOWEVER DISTASTEFUL FROM A LEGAL STANDPOINT, HAS A CERTAIN POLITICAL RATIONALE. JUST AS AMERICAN OFFICIALS WERE HOPING THAT THIS UPWARD SPIRAL OF SHIN-KICKING HAD BEEN HALTED, HOWEVER, THE SUITS WERE FILED AGAINST THE CORRESPONDENTS OF THE BALTIMORE SUN AND THE NEW YORK TIMES. BETWEEN THE ANNOUNCEMENT OF THE SUITS ON TUESDAY AND THE ACTUAL BRINGING OF THEM WEDNESDAY, SECRETARY OF STATE CYRUS VANCE RAISED THE MATTER WITH THE SOVIET AMBASSADOR. THE SOVIET GOVERNMENT NONETHELESS CHOSE TO PROCEED.

4. "PROTESTS ARE IMPORTANT BUT, WE FEAR, INADEQUATE. TIMELY RECIPROCAL ACTION TO PROTECT THE INTEGRITY OF THE AMERICAN NEWS-GATHERING PROCESS IN MOSCOW IS CALLED FOR. THERE SHOULD BE NO ACTION TAKEN AGAINST SOVIET CORRESPONDENTS FOR WHAT THEY WRITE: THAT IS NOT THE AMERICAN WAY AND, ANYWAY, THE AMERICAN JUDICIAL SYSTEM DOES NOT LEND ITSELF TO THE SOVIET SORT OF POLITICAL MANIPULATION. BUT RETALIATORY ACTION SHOULD BE TAKEN TO RESTRICT THE ABILITY OF SOVIET JOURNALISTS IN WASHINGTON TO DO THEIR PROFESSIONAL WORK. FOR JOURNALISTIC AND OTHER REASONS, MOSCOW VALUES THE LICENSE TO RUB SHOULDERS AND ROAM THAT ITS CORRESPONDENTS ENJOY AMPLY HERE. WHILE THE SPECTER OF JUDICIAL INTIMIDATION HOVERS OVER AMERICAN JOURNALISTS

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IN THE SOVIET UNION, THE LICENSE FOR SOVIET PRESS REPRESENTATIVES IN AMERICA SHOULD BE ABRIDGED."

5. NYT JUNE 9 CARRIED STORY BY TOM GOLDSTEIN CONCERNING REACTION OF US NEWSPAPER EXECUTIVES AND EXPERTS ON SOVIET LAW TO LIBEL CHARGE BROUGHT AGAINST TWO AMERICAN REPORTERS IN MOSCOW. STORY CITES STATEMENT BY PROFESSOR DERSHOWITZ OF HARVARD AS FOLLOWS:

6. "ALAN M. DERSHOWITZ, A PROFESSOR AT HARVARD LAW SCHOOL, SAID THERE WERE PRECEDENTS IN SOVIET LAW SUGGESTING THAT LAWSUITS LIKE THE ONE BROUGHT YESTERDAY AGAINST CRAIG R. WHITNEY OF THE TIMES AND HAROLD D. PIPER OF THE BALTIMORE SUN SHOULD BE DISMISSED.

7. "MR. DERSHOWITZ WAS ONE OF SEVERAL LAWYERS TO POINT TO A DECISION EARLIER THIS YEAR IN FEDERAL COURT IN MANHATTAN IN WHICH JUDGE CHARLES H. TENNEY RULED THAT HIS COURT HAD NO JURISDICTION IN A LIBEL ACTION BROUGHT AGAINST TWO SOVIET PRESS AGENCIES, TASS AND NOVOSTI.

8. "THAT DECISION HAS NO PRECEDENTIAL VALUE IN THE SOVIET

UNION, BUT MAY HAVE DIPLOMATIC CONSEQUENCES, ACCORDING

TO SEVERAL LAWYERS." VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, PROPAGANDA, ALLEGATIONS, JOURNALISTS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE166031
Document Source: CORE
Document Unique ID: 00
Drafter: REH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780269-1076
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978066/aaaaaewd.tel
Line Count: 119
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 925c3289-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2352954
Secure: OPEN
Status: NATIVE
Subject: WASHINGTON POST EDITORIAL ATTACK; NYT CITES PRECEDENT
TAGS: SCUL, CASC, SOPN, PROP, US, UR
To: MOSCOW
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/925c3289-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014